



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

File: SRC-97-243-50209 Office: Texas Service Center

Date: DEC 8 2000

IN RE: Petitioner:  
Beneficiary:

Petition: Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. 1153(b)(4)

IN BEHALF OF PETITIONER:

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

*[Signature]*

Mary C. Mulrean, Acting Director  
Administrative Appeals Office

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**DISCUSSION:** The immigrant visa petition was initially approved by the Director, Texas Service Center. On the basis of new information received and on further review of the record, the director determined that the beneficiary was not eligible for the benefit sought. Accordingly, the director revoked the approval of the petition on October 20, 1999. A subsequent appeal was dismissed by the Associate Commissioner for Examinations. The matter is now before the Associate Commissioner on motion to reconsider. The motion will be dismissed.

The petitioner is a church. It seeks classification of the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1153(b)(4), to serve as a minister. The director revoked the approval of the petition determining that the petitioner had failed to establish the beneficiary's two years of continuous religious work experience. The Associate Commissioner dismissed an appeal from that decision finding that the petitioner had failed to address the reasons stated for revocation.

On motion, counsel argued that the beneficiary is eligible for the benefit sought.

8 C.F.R. 103.5(a)(1)(i) requires that any motion to reopen or reconsider must be filed by the petitioner within 30 days of the decision that the motion seeks to reopen or reconsider.

The appeal was dismissed in a decision dated June 29, 2000. The petitioner mailed the motion to the Associate Commissioner. The Associate Commissioner's previous statement clearly instructed the petitioner to file any motion with the office that originally decided the case. The motion was properly filed with the Texas Service Center on August 21, 2000. The respondent's motion was untimely filed and will be dismissed.

In addition, according to 8 C.F.R. 103.5(a)(3), a motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. 8 C.F.R. 103.5(a)(4) further states that a motion that does not meet applicable requirements shall be dismissed.

The petitioner's motion fails to identify any incorrect application of law supported by pertinent precedent decisions. Even were the motion timely filed, it would be dismissed as failing to meet applicable requirements of a proper motion.

**ORDER:** The motion is dismissed.